IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 17124 of 2005(L)

PETITIONER:

K.M. MANI, S/O. KELAN,
AGED 55 YEARS, RESIDING AT KALAZHATH HOUSE,
UDAYAMPEROOR.

BY ADV. SRI.C.K.PAVITHRAN

RESPONDENTS:

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1. THE MANAGER, KERALA STATE FINANCIAL ENTERPRISES, KUTHIATHODE BRANCH, ALAPPUZHA.

2. SPECIAL DEPUTY TAHSILDAR (REVENUE RECOVERY) OFFICE OF THE SPECIAL DEPUTY TAHSILDAR, KUMARANASAN SMARAKA MANDIRAM, COURT ROAD, ALAPPUZHA-688 011.

3. MRS.B.E. VIJI, LOWER DIVISION CLERK, OFFICE OF THE JUDICIAL FIRST CLASS MAGISTRATE, KOLENCHERY, ERNAKULAM DISTRICT.

4. SRI. RAJAGOPALAN, EXTENSION OFFICER, I.R.D.P, BLOCK DEVELOPMENT OFFICE, MAVELIKARA.

BY ADV. SRI.A.K.JOHN, ADDL.SC., KSFE LTD.
R3 BY SRI.K.C.CHARLES
R1 & R2 BY SRI.M.SASINDRAN, SC, K.S.F.E., LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE NOTICE NO.SPT(RR) 2546/03 DATED NIL ISSUED BY 2ND RESPONDENT.

EXT.P2 TRUE COPY OF THE LETTER DATED 7.12.2004 GIVEN BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P3 TRUE COPY OF THE LETTER DATED 16.12.2004 ISSUED BY THE 2ND RESPONDENT.

EXT.P4 TRUE COPY OF THE LETTER DATED 14.9.2004 ISSUED BY THE 2ND RESPONDENT.

EXT.P5 TRUE COPY OF THE SALE AGREEMENT DT.5.4.2005 EXECUTED BY THE PETITIONER WITH MR.BAHULEYAN.

/ TRUE COPY /

K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 17124 of 2005

Dated this the 19th day of March, 2007.

JUDGMENT

The petitioner was a surety for a loan availed by the third respondent from the Kerala State Financial Enterprises. When the principal loanee defaulted, revenue recovery steps were taken against the petitioner. So this writ petition was filed challenging Ext.P1 revenue recovery notice and also Ext.P4 notice issued by the Special Deputy Tahsildar (Revenue Recovery) directing to withhold his DCRG. During the pendency of the writ petition the principal loanee has paid the entire amount except Rs.914/- due towards recovery charges. In view of the above position it is ordered that no further recovery shall be made from the petitioner and the amount of Rs.75,000/- deposited by him as per the orders of this Court in a separate account shall be released to him. If Rs.914/- due to the Kerala State Financial Enterprises is not deposited by the principal loanee, needless to say, the petitioner will also be liable for it. The interest, if any, accrued in the account of the petitioner on the deposit of Rs.75,000/- shall also be released to the petitioner on production of a copy of this judgment.

Writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,
Judge.

vns.